

Conyers. 042

AMENDMENT TO H.R. 2646, AS REPORTED

OFFERED BY MR. CONYERS OF MICHIGAN

AMENDMENT NO. _____: In title V, strike section 517 and redesignate succeeding sections (and amend the table of contents) accordingly.

At the end of title IX, insert the following;

1 SEC. 9 _____. TRANSPARENCY AND ACCOUNTABILITY FOR
2 MINORITY AND DISADVANTAGED FARMERS.

3 (a) PURPOSE.—The purpose of this section is to en-
4 sure compilation and public disclosure of data critical to
5 assessing and holding the Department of Agriculture ac-
6 countable for the equitable participation of minority, lim-
7 ited resource, and women farmers and ranchers in pro-
8 grams of the Department.

9 (b) USE OF TARGET PARTICIPATION RATES IN ALL
10 DEPARTMENT OF AGRICULTURE PROGRAMS FOR FARM-
11 ERS AND RANCHERS.—

12 (1) ESTABLISHMENT.—For each county and
13 State in the United States, the Secretary of Agri-
14 culture shall establish an annual target participation
15 rate equal to the number of socially disadvantaged
16 residents in the political subdivision in proportion to
17 the total number of residents in the political subdivi-
18 sion. In this section, the term “socially disadvan-

1 tagged resident" means a resident who is a member
2 of a socially disadvantaged group (as defined in sec-
3 tion 355(e)(1) of the Consolidated Farm and Rural
4 Development Act).

5 (2) COMPARISON WITH ACTUAL PARTICIPATION
6 RATES.—The Secretary shall compute annually the
7 actual participation rates of socially disadvantaged
8 and women farmers and ranchers as a percentage of
9 the total participation of all farmers and ranchers,
10 for each program of the Department of Agriculture
11 in which a farmer or rancher may participate. In de-
12 termining these rates, the Secretary shall consider
13 the number of socially disadvantaged farmers and
14 ranchers of each race or ethnicity, and the number
15 of women participants in each county and State in
16 proportion to the total number of participants in
17 each program.

18 (c) COMPILATION OF ELECTION PARTICIPATION
19 DATA, AND PUBLIC DISCLOSURE REQUIREMENTS FOR
20 COUNTY COMMITTEE ELECTIONS.—Effective 90 days
21 after the date of the enactment of this section, section
22 8(a)(5)(B) of the Soil Conservation and Domestic Allot-
23 ment Act (16 U.S.C. 509h(a)(5)(B)) is amended by add-
24 ing at the end the following:

1 “(v)(I) The committee shall publicly
2 announce at least 10 days in advance the
3 date, time, and place where ballots will be
4 opened and counted. No ballots may be
5 opened until such time, and anyone may
6 observe the opening and counting of bal-
7 lots.

8 “(II) Within 20 days after the elec-
9 tions, the committee shall compile and re-
10 port to the State and national offices the
11 number of eligible voters in the county and
12 in each open local administrative area or at
13 large district, the number of ballots count-
14 ed, the number and percentage of ballots
15 disqualified, and the proportion of eligible
16 voters compared to votes cast. The com-
17 mittee shall further compile, in each cat-
18 egory above, the results aggregated by
19 race, ethnicity, and gender, as compared to
20 total eligible voters and total votes. The
21 committee shall also report as provided
22 above, the number of nominees for each
23 open seat and the election results, aggre-
24 gated by race, ethnicity and gender, as well

1 as the new composition of the county or
2 area committee.

3 “(III) The Secretary shall, within 90
4 days after the election, compile a report
5 which aggregates all data collected under
6 subclause (II) and presents results at the
7 national, regional, State, and local levels.

8 “(IV) The Secretary shall analyze the
9 data compiled in subclauses (II) and (III)
10 and within 1 year after the completion of
11 the report referred to in subclause (III),
12 shall prescribe (and open to public com-
13 ment) uniform guidelines for conducting
14 elections for members and alternates of
15 county committees, including procedures to
16 allow appointment as voting members of
17 groups, or methods to assure fair represen-
18 tation of groups who would be demographi-
19 cally underrepresented in that county.”.

20 (d) REQUIREMENTS FOR ELECTRONIC, WEB, AND
21 PRINTED DISCLOSURE OF DATA.—The Secretary shall
22 compile the actual number of farmers and ranchers, classi-
23 fied by race or ethnicity and gender, for each county and
24 State with national totals. The Secretary shall, for the cur-
25 rent and each of the 4 preceding years, make available

1 to the public on websites that the Department of Agri-
2 culture regularly maintains, and in electronic and paper
3 form, the above information, as well as all data required
4 under subsection (b) of this section and section
5 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allot-
6 ment Act, at the county, State, and national levels in a
7 manner that allows comparisons among target and actual
8 program and election participation rates, among and be-
9 tween agricultural programs, among and between demo-
10 graphically similar counties, and over time at the county,
11 State and national levels.

12 (e) REPORT TO CONGRESS.—The Secretary shall
13 maintain and make readily available to the public all data
14 required under subsections (b) and (d) of this section and
15 section 8(a)(5)(B)(v) of the Soil Conservation and Domes-
16 tic Allotment Act collected annually since the most recent
17 Census of Agriculture. After each Census of Agriculture,
18 the Secretary shall report to Congress and the public the
19 rate of loss or gain in participation by each group, by race,
20 ethnicity, and gender, since the previous Census of Agri-
21 culture.

22 (f) ACCOUNTABILITY.—The Secretary may also use
23 the above data, including comparisons with demographi-
24 cally similar counties and with national averages, to mon-
25 itor and evaluate election and program participation rates

1 and agricultural programs, and civil rights compliance,
2 and in county committee employee and Department of Ag-
3 riculture employee performance reviews, and in developing
4 outreach and other strategies and recommendations to as-
5 sure agriculture programs and services meet the needs of
6 socially disadvantaged and women producers.

7 (g) CONFORMING AMENDMENT.—Section 355(c)(1)
8 of the Consolidated Farm and Rural Development Act (7
9 U.S.C. 2005(c)(1)) is amended to read as follows:

10 “(1) ESTABLISHMENT.—In paragraph (2), the
11 term ‘target participation rate’ means, with respect
12 to a State, the target participation rate established
13 for purposes of subtitle B of this title pursuant to
14 section 9____(c)(1) of the Farm Security Act of
15 2001.”.